

Our ref: 408.014-CON      Client's ref:BCO/FC-BET-02/0181

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: J. MAGDALENA : Art Unit:1634  
et al

Serial No. : 10/086,206 : Examiner:D.B.  
Johannesen

Filed : February 28, 2002 :

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Title      : Fragments of Nucleic :
            : Acids Specific to   :
            : Mycobacteria which  :
            : are members of the M. :
            : ...Complex          :
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Dated: August 15, 2008

## AMENDED RESPONSE UNDER 37 CFR 1.121

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SIR:**

In response to the Notice of Non-Compliant Amendment mailed on August 1, 2008, Applicant submits herewith the corrected section of the amendment, the Listing of Claims, that now presents claims 41 and 55 showing the amendments relative to the previous version of the same claims, with strikeout and underline, as required.

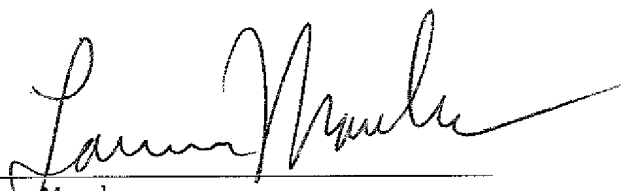
This response is filed within one month of the mailing date of the Notice. Therefore, no fee is believed to be required. If it is determined that any fees are due or any overpayment has been made, the Commissioner is hereby authorized to debit or

credit such sum to deposit account 02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:

A handwritten signature in black ink, appearing to read 'Laurence Manber', written over a horizontal line.

Laurence Manber

Registration No. 35,597

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